

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

CHARMION ANNE HOWELL,

Plaintiff,

v.

CIVIL ACTION NO. 1:20CV10
(Judge Keeley)

ANDREW M. SAUL,
Commissioner of Social
Security Administration,

Defendant.

ORDER ADOPTING THE REPORT AND RECOMMENDATION
[DKT. NO. 20] AND DISMISSING CASE WITHOUT PREJUDICE

On January 15, 2020, the pro se plaintiff, Charmion Anne Howell ("Howell"), filed a complaint against the Commissioner of the Social Security Administration (Dkt. No. 1). In accordance with 28 U.S.C. § 636 (b) and LR Civ. P. 9.02 regarding Social Security Cases, this action was referred to United States Magistrate Judge James P. Mazzone.

In a Report and Recommendation ("R&R") entered on August 10, 2020, Magistrate Judge Mazzone recommended that the Court dismiss Howell's complaint for failure to prosecute because Howell did not file her Motion for Summary Judgment by the deadlines set in the May 5, 2020 Order to Comply with Local Rule (Dkt. No. 16) or the July 7, 2020 Order to Show Cause (Dkt. No. 18). The R&R informed Howell of her right to file "written objections, identifying the portions of the Report and Recommendation to which objection is made, and the basis of such objection." Id. at 2. It further warned

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**ORDER ADOPTING THE REPORT AND RECOMMENDATION
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that failure to do so would result in waiver of her right to appeal. Id. Despite receipt of the R&R on August 12, 2020 (Dkt. No. 21), Howell did not file any objections to the R&R.

Courts will uphold portions of a recommendation to which no objection has been made if "there is no clear error on the face of the record." See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005). Failure to file specific objections waives appellate review of both factual and legal questions. See United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984).

Following a review of the R&R and the record for clear error, the Court:

- **ADOPTS** the R&R (Dkt. No. 20) and
- **DISMISSES** this civil action **WITHOUT PREJUDICE** and **DIRECTS** that it be stricken from the Court's active docket.

It is so **ORDERED**.

The Court **DIRECTS** the Clerk to enter a separate judgment order and to transmit copies of both orders to the pro se plaintiff by certified mail, return receipt requested.

DATED: September 2, 2020.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE